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\* E-filed 8/18/06 \*

Attorneys for Defendants-Intervenors

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ELIAS HEREDIA, VIRGINIA BURGUEÑO,  
RANDY KIRK, and CLARENCE STONE

Plaintiffs,

v.

SANTA CLARA COUNTY, governmental  
corporation formed under the laws of the State of  
California, THE SANTA CLARA COUNTY  
BOARD OF SUPERVISORS, JESSE  
DURAZO, in his official capacity as the  
Registrar of Voters for Santa Clara County,

Defendants,

and,

MARY DAVEY, DENNIS KENNEDY, and  
PEOPLE FOR LAND AND NATURE,

Defendants-Intervenors.

CASE NO. C 06-04718 RMW (HRL)

JOINT STIPULATION FOR  
INTERVENTION OF MARY DAVEY,  
DENNIS KENNEDY, AND PEOPLE  
FOR LAND AND NATURE; AND  
~~PROPOSED~~ ORDER

Judge: Hon. Ronald M. Whyte  
Ctvm: 6  
Date: N/A  
Time: N/A

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JOINT STIPULATION FOR INTERVENTION; ~~PROPOSED~~ ORDER

1 WHEREAS Plaintiffs brought this action on August 4, 2006, challenging the validity of the  
 2 petitions circulated to qualify the Initiative for Conservation of Hillsides, Ranchlands, and  
 3 Agricultural Lands (the "Initiative") for the November 7, 2006, ballot, and further seeking an order  
 4 enjoining Defendants from further processing, certifying, adopting, and/or submitting the Initiative  
 5 to the voters in the County until the Initiative is re-submitted and re-circulated in compliance with  
 6 the Voting Rights Act of 1965;

7 WHEREAS Plaintiffs named as Defendants Santa Clara County, the Santa Clara County  
 8 Board of Supervisors, and Jesse Durazo (collectively, "Defendants");

9 WHEREAS Plaintiffs did not name as Defendants any of the official proponents or sponsors  
 10 of the Initiative;

11 WHEREAS Mary Davey and Dennis Kennedy, two of the official proponents of the  
 12 Initiative, and People for Land and Nature ("PLAN"), an organization that drafted, sponsored, and  
 13 circulated for signature the Initiative petition, want to be added as Defendants-Intervenors;

14 WHEREAS the existing parties agree that proposed Defendants-Intervenors Davey, Kennedy,  
 15 and PLAN may immediately intervene in this action;

16 WHEREAS pursuant to Rule 24(c) of the Federal Rules of Civil Procedure, proposed  
 17 Defendants-Intervenors file with this joint stipulation their proposed Answer to the Complaint;

18 WHEREAS time is of the essence for this stipulation, and Plaintiffs believe that time is of  
 19 the essence for this litigation, as Plaintiffs have requested an expedited briefing and hearing schedule  
 20 on a Motion for Preliminary Injunction, under which opposition briefs would be due on August 18,  
 21 2006, and the hearing on the preliminary injunction would be held on August 25, 2006 (Plaintiffs  
 22 have offered to stipulate to a September 1, 2006 hearing date for their Motion for Preliminary  
 23 Injunction to accommodate proposed Defendants-Intervenors);

24 NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between Plaintiffs,  
 25 Defendants, and proposed Defendants-Intervenors, through their respective undersigned counsel,  
 26 that:

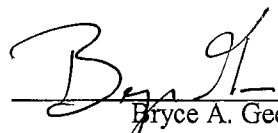
27 1. Mary Davey, Dennis Kennedy, and PLAN may immediately intervene as Defendants-  
 28 Intervenors in this action; and

1           2.       Following entry of the Order on this Stipulation, Plaintiffs' overnight-mail delivery  
2 of the Complaint, Plaintiffs' Motion for Preliminary Injunction, Plaintiffs' Motion for Order  
3 Shortening Time on Motion for Preliminary Injunction, and supporting papers to counsel for  
4 proposed Defendants-Intervenors identified below shall be considered effective service on those  
5 Defendants.

6  
7 DATE: August 15, 2006

Respectfully submitted,

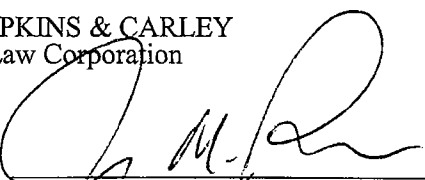
8 STRUMWASSER & WOOCHELL LLP  
9 Fredric D. Woocher  
Michael J. Strumwasser  
Bryce A. Gee

10  
11 By   
12 Bryce A. Gee

13 *Attorneys for Proposed Defendants-Intervenors Mary*  
14 *Davey, Dennis Kennedy, and PLAN*

15 DATE: August 15, 2006

HOPKINS & CARLEY  
A Law Corporation

16  
17 By   
18 Jay M. Ross

19 *Attorneys for Plaintiffs Elias Heredia, Virginia*  
20 *Burgueno, Randy Kirk, and Clarence Stone*

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1 DATE: August 15, 2006

SANTA CLARA COUNTY COUNSEL  
John L. Winchester, III, Deputy County Counsel

2  
3  
4 By

John L. Winchester, III

5 *Attorneys for Defendants Santa Clara County, Santa*  
6 *Clara County Board of Supervisors, and Jesse Durazo*

7 PURSUANT TO STIPULATION,  
8 **IT IS SO ORDERED.**

9 Date: 8/18/06

10  
11 *Ronald M. Whyte*  
12 Judge Ronald M. Whyte  
13 U.S. District Judge  
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